

EXHIBIT C

SETH R. LESSER, ESQ.
Two International Drive, Suite 350
Rye Brook, New York 10573
914-934-9200
seth@klafterlesser.com

Seth Lesser is a partner in Klafter Lesser, a New York, New Jersey and District of Columbia law firm where he practices in the areas of consumer advocacy, mass torts, wage and hour litigation, and corporate governance, primarily on behalf of injured individuals, defrauded consumers, employees and businesses. He is admitted to the bars of those three jurisdictions, as well as two dozen federal courts (*see below*).

Mr. Lesser is a graduate of Princeton University, A.B., *summa cum laude* (1983); Oxford University, D.Phil. in Modern History, recipient of a Marshall Scholarship (1985); and Harvard Law School, J.D., *magna cum laude* (1988), where he was an editor of the HARVARD JOURNAL OF INTERNATIONAL LAW and of the HARVARD ENVIRONMENTAL LAW REVIEW. In addition, he was the Princeton University Varsity Heavyweight coxswain in 1982 & 1983 and the coxswain of the victorious Oxford Blue Boat in the Oxford-Cambridge Boat Race in 1984 & 1985.

SUMMARY OF PROFESSIONAL ACTIVITIES

Since 1995, Mr. Lesser has primarily represented plaintiffs in individual, class, collective, and mass tort cases. He regularly speaks and writes on these topics, and is a co-author of a treatise on class action law.

He has been the lead plaintiffs' counsel in dozens of successful individual, class, collective, and mass tort actions in the areas of consumer law, employment, privacy, securities, and mass tort litigation. The cases in which he has personally been a lead counsel have returned nearly a billion dollars to his clients and the cases in which he has been co-counsel several times that amount. In addition to many class actions where he was lead plaintiffs' counsel but which cases were not Federal Multidistrict Litigation proceedings, the MDLs where he was court-appointed lead counsel have including, among others, MDL-1346 (*In re Amazon-Alexa*); MDL-1352 (*In re Doubleclick*); MDL-1708 (*In re Guidant Implantable Heart Devices*); MDL-1739 (*In re Grand Theft Auto Video Game Consumer Litigation*); MDL-1903 (*In re Pepsico, Inc. Bottled Water Sales Practices*); and MDL-2025 (*In re Staples, Inc. Wage & Hour Employment Practices Litig.*). He has also served on numerous MDL Executive/Steering Committees, including the Executive Committee in MDL-1845 (ConAgra Peanut Butter Products Liability Litigation), and serving as Law & Briefing Co-Chair of the Government Actions Committee in MDL-1657 (Vioxx Products Liability Litigation). Among other things, he was the lead New York class counsel in the Fen/Phen diet drug litigation, in that case obtained the first certification under New York law for a medical monitoring class, and was the New York class counsel in the MDL settlement with American Home Products. In one case, a federal court judge, addressing Mr. Lesser in approving a settlement, stated, "the court already held that class counsel was adequate in the context of class certification. But more than just adequate, class counsel's performance in this case has been exemplary." *Wilson v. Gloucester County*, 06-cv-1368 (JEI/AMD) (D.N.J.) (final approval obtained March 18, 2010).

He has successfully taken cases to trial. In 2009, he won a verdict one of the first Fair Labor

Standards misclassification collective cases taken to a jury, resulting in a judgment of \$5 million on behalf of 342 collective action plaintiffs, *Stillman v. Staples, Inc.*, No. 07-cv-849 (D.N.J.), a result which led to the \$42 million nationwide settlement of MDL-2025. More recently, he has obtained recoveries in cases of \$34 million (*Nash v. CVS Caremark Corp.*, 1:09-cv-00079 (D.R.I.)), \$20.9 million (*Craig v. Rite Aid Corp.*, 2013 U.S. Dist. LEXIS 2658, at *38 (M.D. Pa.)), \$14 million (*Youngblood, et. al. v. Family Dollar Stores, Inc.*, No. 09-cv-3176 (S.D.N.Y.)), \$16.5 million (*Thorn v. Bob Evans*, No. 12-cv-768 (S.D. Ohio)); \$13.9 million (*Jacob v. Duane-Read*, No. 11-cv-160 (S.D.N.Y.)); \$10 million (*LaPan v. Dick's Sporting Goods*, No. 13-cv-11390 (D. Mass.)). The settlement in the *Nash v. CVS Caremark Corp.* case was termed by District Judge McConnell “magnificent” at the final approval hearing. Order Granting Final Approval, *Nash v. CVS Caremark Corp.*, No. 1:09-cv-00079 (D.R.I. Apr. 9, 2012), while the final approval decision in *Craig v. Rite Aid Corp.* (where Mr. Lesser was lead counsel), stated that “To say that Class Counsel vigorously prosecuted this action would be a gross understatement.” *Craig*, 2013 U.S. Dist. LEXIS 2658, at *31.

Mr. Lesser was the National Association of Consumer Advocates’ Attorney of the Year in 2005 and was Co-Chair of the Board of Directors of that organization from 2008 through 2013. From 1998 through 2001, he served as the representative of the American Council on Consumer Interests to the United Nations. At present, he is on the Second Circuit Courts Committee of the Federal Bar Council, is active in the Members Consultative Groups of the American Law Institute’s Restatement of the Law Third, Restitution and Unjust Enrichment project. In 2017, he joined the Board of Public Justice and was recently chosen to join its Executive Committee. He also been on the *Amicus* Committee of the American Association for Justice and was the Co-Chair of the Food-Borne Illness Litigation Group of the American Association for Justice. He is a member of, *inter alia*, the American Law Institute; the American Bar Association; the Second Circuit Federal Bar Council; the Bar Association of the City of New York; the National Association of Consumer Advocates; the American Association for Justice; and the National Employment Lawyers Association.

Other professional organizational appointments have included being the Chair of American Bar Association’s Business Law Section’s Environmental Litigation Subcommittee (1995-2002); the Co-Chair of the ABA’s Business Law Section’s Annual Review of Litigation (1995-1998); a member of the New York City Bar Association’s Committees on Consumer Affairs (1995-1998) and Federal Courts (1998-2001); a member of the Federal Bar Council’s Second Circuit Courts Committee (2006 to date); and Co-Chair of the American Association for Justice’s Food-borne Illness Litigation Group (2007-2010). He also was the Chair of the National Association of Securities and Consumer Attorneys’ Consumer Committee from 2003 to 2005. He was asked to draft revisions to New York State’s class action law (2002-2003; Report, 2003), as well as having been involved in the drafting of numerous recommendations, testimony, reports, and other materials for various professional organizations. His election to the American Law Institute was in 2008 and he actively participated in the Members Consultative Group to the ALI’s 2009 adoption of the Principles of the Law of Aggregate Litigation. In addition, Mr. Lesser has served on the Editorial Advisory Board of the *Class Action Law Monitor*.

Mr. Lesser has been repeatedly chosen as a Superlawyer®, both as a Superlawyer® in the New York Metropolitan Area in the area of class actions and also as one of the 25 best lawyers in Westchester County, N.Y.

PUBLICATIONS (sample). Among others, Mr. Lesser’s publications include:

The Federal Bar Council, *Courthouses of the Second Circuit* (2015) (Contributor)

“An Attorney’s Reaction to Professor Kolodinsky’s Observations,” 44(3) *The Journal of Consumer Affairs* (Fall 2010)

Consumer Class Actions, Fifth through Seventh Editions (2002-to date) (Contributor & Ed.), published by the National Consumer Law Center

“Time price differentials in the rent-to-own industry: implications with empowering vulnerable consumers,” 29(2) *International Journal of Consumer Studies*, 119-24 (March 2005) (co-author)

Annual Review of New York's Consumer Protection Statute, *New York Law Journal* (annual review articles, 1997-2005)

New Jersey’s Consumer Fraud Law, *New Jersey Law Journal* (review article, 2003)

“Internet Privacy Litigation and the Current Normative Rules of Internet Privacy Protection,” *Considering Consumer Privacy*, Center for Democracy & Technology (March 2003; P. Bruening, ed.)

“Privacy Law in the Internet Era,” *Internet Law & Business*, September 2002

“The Second Circuit Cuts Back on Diversity Jurisdiction,” *New York Law Journal* (April 16, 1997)

“New Pleading Requirements for Consumer Fraud Suits,” *New York Law Journal* (October 25, 1996)

SPEAKING ENGAGEMENTS (sample). Among a number of others, Mr. Lesser’s engagements as a featured speaker have included:

Steering Committee and Speaker, Co-Cambridge Forum on Plaintiffs’ Class Actions (May 2019 and May 2020)

National Consumer Law Center: Speaker at Annual Symposium on Class Actions (Various locations, 2000-2020) and on other topics relating to consumer law

Stafford, Employment Contracts After Epic SCOTUS Decision (Webinar, August 7, 2019)

National Employment Lawyers’ Association, Annual Convention (July 2018)

Lawline, Introduction to the Fair Labor Standards Act (Webinar, September 18, 2017)

Lawline, SCOTUS Review: *Tyson v. Bouaphakeo* (Webinar, September 19, 2016)

National Employment Lawyers’ Association, Wage & Hour Conference (Washington, D.C. May 2015)

National Association of Consumer Advocates: Speaker at various conferences on topics relating to consumer finances, class actions and complex litigation (Various locations, 1999-2015)

National Employment Lawyers’ Association, Fall Conference (Washington, D.C. Oct. 2011)

Rand Institute for Public Justice: Conference on Alternative Litigation Finance (Alexandria, Virginia 2010)

New Jersey Association for Justice: Meadowlands Seminar – The New Jersey Consumer Fraud Act (Secaucus, New Jersey, 2009)

Practicing Law Institute: Speaker at multiple conferences, including Consumer Financial Services Litigation (New York, 2000-2003, 2009) and the First through Fourth Institutes on Privacy Law (New York & San Francisco, 2000-2004)

American Council on Consumer Interests: Rent-A-Own – Consumer Issues (Orlando, Florida, August 2008)

American Association for Justice: The Status of Daubert Today (Philadelphia, July 2008)

Federal Bar Council Fall Retreat: Rule 23 in The Second Circuit (Lenox, Massachusetts, October 2007)

American Bar Association: Speaker at numerous conferences and teleconferences, including “Class Actions and Consumers,” (ABA Connection Teleconference, June 20, 2007); Fourth National Institutes on Class Actions (October 2005); “Class Action Practice After The Fairness Act of 2005” (Teleconference, March 17, 2005); Internet Privacy Issues (Teleconference Seminar, Sept. 19-20, 2001) (also featured in article on same topic in ABA Journal, September 2001); Business Law Section’s Annual Review of Litigation (Various locations, 1995-1998) (co-chair)

Mealy’s Publications, Mealey’s Drug & Medical Device Litigation Conference (San Diego, May 2007)

Mealy’s Publications, Representing Toxic Tort Victims (Philadelphia, Pennsylvania, 2003)

Computers, Freedom & Privacy (“CFP”) Conference, Speaker at 12th Annual Conference (San Francisco 2002)

Mealy’s Publications, Rezulin Conference, Speaker (Alexandria Virginia, 2000)

Reinsurance Association of America, Speaker on Year 2000 litigation issues (New York, 1999)

BAR ADMISSIONS

Mr. Lesser is admitted to the following Bars: State of New Jersey (1988); U.S. District Court, District of New Jersey (1988); State of New York (1989); U.S. District Court, Eastern District of New York (1989); U.S. District Court, Southern District of New York (1989); District of Columbia (1990); U.S. Court of Appeals, District of Columbia Circuit (1994); U.S. Court of Appeals, Ninth Circuit (1997); U.S. Court of Appeals, Tenth Circuit (1997); U.S. Supreme Court (1998); U.S. Court of Appeals, Second Circuit (1998); U.S. District Court, District of Colorado (2000); U.S. Court of Appeals, Sixth Circuit (2001); U.S. Court of Appeals, First Circuit (2002); U.S. Court of Appeals, Third Circuit (2003); U.S. District Court, Central District of Illinois (2004); U.S. Court of Appeals, Seventh Circuit (2004); U.S. Court of Appeals, Eleventh Circuit (2005); U.S. District Court, Northern

District of New York (2006); U.S. District Court, District of Connecticut (2006); U.S. District Court, Western District of New York (2010); U.S. District Court, Western District of Michigan (2010); U.S. District Court, Western District of Tennessee (2015); U.S. District Court, Eastern District of Michigan (2017); U.S. Court of Appeals, Eighth Circuit (2019).

PERSONAL INFORMATION

Seth Lesser is married and has four daughters. He is a Past President of the Hillholme Association in Chappaqua, New York and is a member of the Zoning Board of Appeals for the Village of Saltaire, New York. He is a member of the Committee for the Oxford-Cambridge Boat Race Dinner in New York City and he actively continues to be a coxswain, coxing for, among others, the Lake Union Crew, the Greenwich Crew, and the Thames Rowing Club (London) at such races as the Head of the Charles.

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KLAFTER LESSER LLP
Firm Resume

www.klafterlesser.com

Two International Drive
Suite 350
Rye Brook, NY 10573
914 934 9200
914 934 9220 FAX

Contents

1	Klafter Lesser LLP	5	Defective Medical Device and Hazardous Drug Litigation
2	Securities Litigation	5	AntiTrust Litigation
2	Breach of Fiduciary Duty and Related Litigation	6	The Firm's Attorneys
		6	Jeffrey A. Klafter
3	Wage & Hour Litigation	6	Seth R. Lesser
		8	Christopher M. Timmel
4	Consumer and Commercial Law Litigation	8	Sarah Sears
4	Civil Rights Litigation		

Klafter Lesser LLP

Klafter Lesser LLP is a nationally recognized law firm that focuses on vindicating the rights of investors, employees, and consumers under Federal securities and State securities and corporate laws, labor laws, and consumer protection laws, respectively. Its attorneys have been involved in leading cases in all of these areas and have received recognition for their efforts from courts, professional organizations and peers for their professionalism and results. The Firm has successfully litigated cases from one end of the country to the other and its attorneys are admitted in multiple state courts and dozens of federal courts.

The Firm was founded in June 2003. Together, the Firm's principals bring over 75 years of experience representing Plaintiffs to the practice.

The Firm's philosophy is to aggressively prosecute select actions as opposed to a "volume" type operation. The Firm provides its clients with the full spectrum of litigation services including: (i) factual investigation, forensic accounting, and legal analysis; (ii) communications advising the client of the merits of the case, developments in the litigation, and settlement issues; and (iii) advisory services on an "as needed" basis on both case specific and general litigation matters.

The attorneys in the Firm have obtained over a billion dollars in settlements in the cases in which they have served as lead lawyers. These results have been obtained in a wide variety of individual and class action contexts. One federal judge recently stated on the record in open court to one of the Firm's attorneys that "the court already held that class counsel was adequate in the context of class certification. But more than just adequate, class counsel's performance in this case has been exemplary." Another called a recent KL settlement a "magnificent result."



Securities Litigation

The Firm has served and presently serves as a lead counsel in multiple securities class, group and individual actions.

- *Antipodean Domestic Partners, L.P. v. Clovis Oncology, Inc. et al.*, No. 655908/2016 (Supreme Court, County of New York) (pending)
- *Orgone Capital III, LLC et al v. Daubenspeck et al*, 1:16-cv-10849 (N.D. Ill.) (pending)
- *In re Fisker Automotive Holdings, Inc. Shareholder Litigation*, No. 13-cv-02100-SLR (D. Del.) (pending)
- *In re SmarTalk Teleservices Inc. Securities Litigation*, MDL Docket No. 00-1315 (S.D. Ohio) (\$27.1 million)
- *In re Ashworth, Inc. Securities Litigation*, Master File No. 99cv0121-L (JFS) (S.D. Cal.) (\$15.25 million settlement)
- *In re Eaton Vance Corporation Securities Litigation*, Civil Action No. 01-10911-EFH (D. Mass.) (\$10.5 million settlement)
- *In re InfoSonics Corp. Sec. Litigation*, No. 06cv1231 BTM(WMc) (S.D. Cal.) (\$3.8 million settlement)
- *In re Viisage Technologies, Inc. Securities Litigation*, No. 05-cv-10438 – MLW (D. Mass.) (\$2.3 million settlement)

The Firm also has had significant roles in the prosecution of *In re IBM Corp. Securities Litigation*, No. 05 Civ. 6279 (AKH) (S.D.N.Y.) (\$20 million settlement), *In Re American Business Financial Services, Inc. Noteholders Litigation*, No. 05-232 (ED Pa.) (\$16.75 million settlement); and *In re Countrywide Financial Corporation Securities Litigation*, No. 2:07-cv-05295 (MRP-MAN) (C.D. Cal.) (\$624 million settlement).

In addition to leading securities class actions, the Firm was selected by CompuDyne Corporation to represent it in pursuing its claims against individuals and entities who illegally sold the Company's stock short in advance of a \$30 million private placement, and achieved a \$4.8 million settlement with certain of the short-sellers.

Breach of Fiduciary Duty and Related Litigation

The Firm is also active in pursuing claims for breach of fiduciary duty against corporate officers or directors on behalf of shareholders including the following:

- The Firm was retained by the Post-Confirmation Equity Subcommittee in the bankruptcy of a public company, Superior Offshore International, Inc., to prosecute fiduciary duty claims against Superior's former officers and directors and has brought suit in the United States Bankruptcy Court for the Southern District of Texas against four senior officers of the company for waste of corporate assets, insider trading and causing the company's bankruptcy. That litigation was settled to the satisfaction of the parties shortly before it was scheduled to be tried.
- The Firm was retained by the Liquidating Trust of Debtor PTMS Liquidating Corp. (f/k/a ProxyMed and MedAvant) and has brought suit in the United States Bankruptcy Court for the District of Delaware for breach of fiduciary duty and fraud against General Atlantic, LLC and Braden Kelly for causing the demise of the Company. That litigation was also settled to the satisfaction of the parties shortly before it was scheduled to be tried.
- The Firm was sole counsel to the former common shareholders of Living Independently Group, Inc. in a class action in the Court of Chancery of the State of Delaware seeking damages for breaches of fiduciary duty by its former directors and Chief Operating Officer that resulted in the company being acquired by General Electric Company at a bargain basement price which afforded no consideration to the holders of its common share.
- The firm was co-lead counsel in a class action also in the Court of Chancery of the State of Delaware asserting that the conversion of the IMH Secured Loan Fund into IMH Financial Corp. was done in breach of fiduciary duties and contractual rights owed to the Unitholders in the Fund. This action and the Living Independently Group action were successfully resolved for the benefit of their respective classes.

Wage & Hour Litigation

Klafter Lesser LLP has a strong national reputation for helping employees obtain the overtime pay and other benefits to which they are entitled under the Federal Fair Labor Standards Act (FLSA) and comparable state laws. Its lawyers have successfully handled over [40] federal Fair Labor Standards Act cases and have obtained settlements worth more than a quarter of a billion dollars in class, collective and individual cases against defendants that have included Fortune 100 and other companies that have ranged from major retailers to nationwide financial institutions. In one case in which KL was co-lead counsel the \$34 million settlement was described by the United States District Judge who approved the settlement as a “magnificent result.” *Nash v. CVS Caremark Corp.*, No. 09-cv-079-M (Order granting final approval, April 9, 2012). Another settlement (for \$20.9 million) in which KL was sole lead counsel was described by the Judge as “an excellent and optimal settlement award for the Class Members.” *Craig v. Rite Aid Corp.*, No. 4:08-cv-2317, 2013 U.S. Dist. LEXIS 2658, at *41 (M.D. Pa. Jan. 7, 2013). Ten years ago, another judge recognized KL as “experience[d] in handling wage and hour class actions and [having] knowledge of the applicable law,” experience and knowledge that has only increased in the last decade. *Damassia v. Duane Reade, Inc.*, 250 F.R.D. 152, 165 (S.D.N.Y. 2008) (case settled for \$3.5 million).

In these cases, KL represents workers across the country when they are denied overtime and subjected to other wage violations. These include misclassifying employees as exempt from being paid overtime under the FLSA and state wage claim, failing to credit employees for all hours they have worked and failing to pay wages for time spent required by an employer to prepare for or wind up a workday.

Other notable wage and hour settlements the Firm has achieved include:

- *Snodgrass v. Bob Evans Farms, LLC*, 2:12-cv-768 (S.D. Ohio) (\$16.5 million settlement);
- *Lapan v. Dick’s Sporting Goods, Inc.*, 13-cv-11390-RGS (D. Mass.) (\$10 million settlement);
- *Ravenell v. Avis Budget Car Rental, LLC et al.*, 08-cv-02113 (E.D.N.Y.) (7.8 million settlement);
- *Stevens v. Electronic Data Systems Corp.*, 08-cv-10409 (S.D.N.Y.) (\$11.8 million);
- *Herring v. Hewitt Inc.*, 3:06-cv-267 (D.N.J.) (TJB) (\$4.9 million class settlement of FLSA and state claims);
- *Caissie v. BJ’s Wholesale Club*, 08-CV-30220 (D. Mass.) (MAP) (\$9.15 million settlement);
- *Nash, et al. v. CVS Caremark Corp.*, 09-cv-078 (D.R.I.) (JM) (\$34 million settlement);
- *Craig v. Rite Aid Corp.*, 08-cv-2317 (M.D. Pa.) (\$20.9 million settlement);
- *Rancharan v. Family Dollar Corp.*, 10-cv-07580 (S.D.N.Y.) (\$14 million settlement); and
- *Wilkie v. Gentiva Health Services, Inc.*, 10-cv-01451 (N.D. Cal.) (\$5 million settlement).

KL will take its cases as far they need to go to obtain relief for their wage and hour clients. In fact, perhaps uniquely, the Firm has twice taken collective actions to trial (and won both). In 2009, Klafter Lesser LLP was co-lead counsel in what is one of the first FLSA misclassification collective actions ever tried to a jury. After the six week trial, plaintiffs prevailed on all points, obtaining a verdict finding that the defendant there, Staples, Inc., had willfully violated the FLSA in failing to pay assistant store managers for hours worked overtime. The jury awarded the 342 collective action members a verdict of \$2.4 million, which the Court doubled to \$4.2 million because of the finding of willfulness. KL acted as the lead counsel in obtaining a \$42 million settlement against Staples, Inc. that resolved the jury award that KL obtained, as well as a number of other cases that constituted MDL-2025, in which was asserted that Staples misclassified assistant store managers as exempt from receiving overtime for hours worked in excess of 40 hours per week. *In re Staples Inc. Wage & Hour Employment Practices Litigation*, No. 08-5746 (D.N.J.) (KSH) (MDL-2025).

KL has also pursued wage and hour claims by arbitration.

Consumer and Commercial Law Litigation

Klafter Lesser LLP has extensive experience in the areas of complex commercial and consumer law. Whether representing individuals or business and whether through class or individual actions, the Firm's attorneys have recouped hundreds of millions of dollars for its clients in these areas.

The Firm's attorneys have been lead and co-lead counsel in major class action and federal Multi-District Litigation proceedings that successfully obtained recompense from banks, insurance companies, mortgage lenders, appraisers and title insurers, as well as rental companies, gasoline companies, automobile manufacturers, computer companies, and many others. Seth Lesser has been awarded the "Consumer Advocate of the Year" award by the National Association of Consumer Lawyers. One of his instance, he obtained over \$100 million – 100% of the individuals' out-of-pocket damages – for New Jersey consumers who paid hidden usurious interest in *Perez v. Rent-a-Center, Inc.*, Docket No. CAM-L-21-03 (Sup. Ct. N.J.), for victims of mortgage fraud, and for compelling a bank to refund interest charges improperly calculated for commercial borrowers.

Civil Rights Litigation

Klafter Lesser LLP has actively prosecuted a number of lawsuits on behalf of individuals who have had their civil or Constitution rights violated.

The Firm's attorneys have obtained awards in many individual and class actions in which racial or gender discrimination was alleged, including the recent \$24.4 million settlement reached in a case involving historical racial discrimination in the sale of life insurance. In that case, as co-lead counsel, we obtained class certification, defeated the defendant's attempt to obtain interlocutory appellate review of the certification decision and prevailed against a motion for summary judgment, *Norfleet v. John Hancock Life Ins. Co.*, No. Civil No. 3:04cv1099 (D. Conn.).

The Firm has also obtained significant recoveries on behalf of individuals who were illegally strip searched when they were arrested for non-serious crimes including a \$7.5 million class action settlement against one New Jersey county (*Hicks v. County of Camden*, Civ. No. 05-1857 (D.N.J.)), a \$4.5 million settlement against another (*Suggs v. County of Cumberland*, Civ. No. 06-0087 (D.N.J.)) and a \$4.0 million against a third (*Wilson v. Gloucester County*, Civ. No. 06-1368 (D.N.J.)). The Firm is now involved in prosecuting such cases across the country. At the final approval hearing of the *Wilson v. Gloucester County* settlement, on March 18, 2010, Judge Irenas of the United States District Court for the District of New Jersey stated on the record that "The court already held that class counsel was adequate in the context of class certification. But more than just adequate, class counsel's performance in this case has been exemplary."

Defective Medical Device and Hazardous Drug Litigation

The Firm's attorneys have extensive experience in representing victims of hazardous pharmaceutical drugs (such as Rezulin or Fen/Phen), defective medical devices (such as certain of Guidant's implantable defibrillators), and mass food poisonings (such as peanut butter contamination). We have represented not only individuals but also government agencies for reimbursement claims.

Our attorneys have been lead counsel in a number of such cases. One involved multiple LYMERix vaccine class actions which resulted, as a part of the settlement, in the withdrawal of the from the market - perhaps a unique and unprecedented resolution of a pharmaceutical class action - and which also set forth the terms pursuant to which the company could apply to the Food and Drug Administration to seek any reintroduction of the product. *Cassidy v. SmithKline Beecham*, No. 99-10423 (Ct. Common Pleas, PA state court).

In another national mass tort, one of our attorneys, Seth Lesser, has been serving as one of the co-lead counsel *In re Guidant Corp. Implantable Defibrillators Products Liability Litigation*, MDL No. 05-1708 (DWF/AJB) (D. Minn.), where a \$240 million settlement has been obtained for individuals who faced economic and personal injury from defectively designed implantable defibrillators.

Our lawyers have also acted as the lead New York class counsel in the Fen/Phen diet drug litigation which obtained the first certification under New York law for a medical monitoring class, and acted as the designated New York class counsel in the nationwide multi-billion dollar settlement with American Home Products. We have experience serving on state and federal executive and plaintiffs' steering committees for other mass tort claims and Mr. Lesser has been a co-chair of the American Association for Justice's Food Borne Illness litigation group.

AntiTrust Litigation

The Firm is currently prosecuting, with co-counsel, antitrust claims against Barclays Bank PLC arising from the Federal Energy Regulatory Commission's sanction of it for manipulating four Western electricity trading hubs.

The Firm currently has a role in the *In re Dental Supplies Antitrust Litigation*.

The Firm has had roles in a number of antitrust class actions including *In re Air Cargo Antitrust Litigation*, *In re Hydrogen Peroxide AntiTrust Litigation*, and *In re High Pressure Laminates Antitrust Litigation*.



The Firm's Attorneys

Jeffrey A. Klafter

Jeffrey A. Klafter has over thirty-five years of experience in prosecuting securities, breach of fiduciary duty, and commercial litigation. Mr. Klafter began his legal career with the Antitrust Division of the United States Department of Justice. After spending two years with the DOJ, Mr. Klafter entered private practice. From 1988 until mid-2003, Mr. Klafter was a partner of Bernstein Litowitz Berger & Grossmann LLP. Early in his career, Mr. Klafter was one of the principal lawyers responsible for the prosecution of over 100 defendants to recoup the losses suffered by the purchasers of municipal bonds issued by the Washington Public Power Supply System when it defaulted on those bonds. That litigation resulted in the recovery of over \$800 million, one of the largest securities fraud settlements in history. Mr. Klafter has also served as sole or co lead counsel in prosecuting numerous securities class actions on behalf of investors in common stock, municipal bonds, convertible debentures and preferred stock in which hundreds of millions of dollars have been recovered on behalf of investors.

Among the many notable achievements for which he had sole or shared responsibility before forming the Firm with Mr. Olsen are the recovery of \$48 million in *In re Independent Energy PLC Securities Litigation*; the recovery of \$300 million in *In Re: DaimlerChrysler AG Securities Litigation*, the decision of the Second Circuit Court of Appeals reversing the district court's dismissal of plaintiffs' complaint in *In re Scholastic Corp. Securities Litigation* and ultimate settlement of that litigation; the recovery with Mr. Olsen of \$27.1 million in *In re SmarTalk Teleservices Inc. Securities Litigation*, and a significant recovery on behalf of holders of Sun Oil Company preferred stock in litigation over the indenture governing the stock.

Since forming the Firm, Mr. Klafter has also served as special counsel to lead counsel in the *In re Ahold N.V. Securities & ERISA Litigation*, Civil No.: 1:03-MD-01539-CCB (D. Md.) in which \$1.1 billion was recovered on behalf of the class, had a significant role in the prosecution of the Countrywide Financial Corporation Securities Litigation, which settled for \$624 million; successfully prosecuted the claims of the Liquidating Trust created by the Bankruptcy Court that approved the bankruptcy plan for ProxyMed, the claims of

common shareholders in Living Independent Group, Inc. who did not receive any share of the General Electric Co.'s purchase price of the company, and the claims of investors in IMH Senior Loan Fund whose managers reorganized the Fund for their own benefit to the detriment to the investors.

Mr. Klafter has also been responsible for the prosecution of innovative and diverse litigation successfully challenging Delaware regulations governing the disposal of solid waste on behalf of waste haulers; the laying of fiber optic cable along railroad rights of way on behalf of adjoining landowners; and efforts to impose the cost of Y2K compliance on businesses and medical practices by suppliers of various computer software.

Mr. Klafter is a member of the Bar of the State of New York, the United States District Court for the Southern District of New York, other federal district courts, the Second Circuit Court of Appeals, and the United States Supreme Court. Mr. Klafter is a member of the Securities Law Committee of the Commercial and Federal Litigation Section of the New York State Bar Association; the Class Actions and Derivative Suits Committee of the Litigation Section of the American Bar Association, and is a noted author and lecturer on securities litigation issues.

Seth R. Lesser

Seth R. Lesser practices in the areas of consumer advocacy, mass torts and wage and hour litigation, primarily on behalf of defrauded consumers, businesses and employees. In addition to handling cases at the trial court level, he also has an active appellate practice. He began his career at a large defense firm and subsequently was a partner at two plaintiff-oriented firms, Bernstein Litowitz Berger & Grossmann LLP and the Locks Law Firm. He joined the Firm in August, 2008.

Mr. Lesser is a graduate of Princeton University, A.B., summa cum laude (1983); Oxford University, D.Phil. in Modern History, recipient of a Marshall Scholarship (1985); and Harvard Law School, J.D., magna cum laude, where he was an editor of the Harvard Journal of International Law and of the Harvard Environmental Law Review (1985). In addition, he was the coxswain of the Oxford Blue Boat in the Oxford-Cambridge Boat Race (1984 & 1985).

Since 1995, Mr. Lesser has primarily represented plaintiffs in class and collective actions and mass tort cases. He has been the lead plaintiffs' counsel in dozens of successful class and/or collective actions in the areas of consumer, privacy, mass tort, employment and securities litigation. The cases where he has personally served as plaintiffs' lead counsel have returned in excess of half a billion dollars to clients. Federal Multidistrict Litigation proceedings where he was lead or co-lead counsel have including, among others, MDL-1346 (*In re Amazon-Alexa*) (sole lead); MDL-1352 (*In re Doubleclick*) (co-lead); MDL-1708 (*In re Guidant Implantable Heart Devices*) (co-lead); MDL-1739 (*In re Grand Theft Auto Video Game Consumer Litigation*) (sole lead); MDL-1903 (*In re PepsiCo, Inc. Bottled Water Sales Practices*) (sole lead); MDL-2025 (*In re Staples, Inc. Wage & Hour Employment Practices Litig.*) (lead). He has been on numerous MDL Executive/Steering Committees, including, the Executive Committee in MDL-1845 (ConAgra Peanut Butter Products Liability Litigation), and serving as Law & Briefing Co-Chair of the Government Actions Committee in MDL-1657 (Vioxx Products Liability Litigation). Among other things, he was the lead New York class counsel in the Fen/Phen diet drug litigation and in that case obtained the first certification under New York law for a medical monitoring class, and was the New York class counsel in the settlement with American Home Products. In recent years, he has particularly handled numerous wage and hour litigations on behalf of employees denied payment of overtime wages. He was also class counsel in *Perez v. Rent-A-Center* (New Jersey State Court) where a \$109 million settlement returned to 100,000 New Jersey consumers over 100% of their out-of-pocket damages.

Mr. Lesser was the National Association of Consumer Advocates' Attorney of the Year in 2005 and is presently Co-Chair of the Board of Directors of that organization. He has been repeatedly recognized by his peers as a Superlawyer, and in two areas: New York class action practice and as one of the top 25 lawyers in Westchester County.

From 1998 through 2001, he served as the representative of the American Council on Consumer Interests to the United Nations. At present, he is on the *Amicus* Committee of the American Association for Justice; is on the Second Circuit Courts Committee of the Federal Bar Council; and is active in the Members Consultative Group of the American Law Institute's Restatement of the Law Third, Restitution and Unjust Enrichment project. He is a member of, *inter alia*, the American Law Institute; the American Bar Association; the Second Circuit Federal Bar Council; the Bar Association of the City of New York; the National Association of Consumer Advocates; the American Association for Justice; and the National Employment Lawyers Association.

Other professional organization appointments have included being the Chair of American Bar Association's Business Law Section's Environmental Litigation Subcommittee (1995-2002); the Co-Chair of the ABA's Business Law Section's Annual Review of Litigation (1995-1998); a member of the New York City Bar Association's Committees on Consumer Affairs (1995-1998) and Federal Courts (1998-2001); a member of the Federal Bar Council's Second Circuit Courts Committee (2006 to date); and Co-Chair of the American Association for Justice's Food-borne Illness Litigation Group (2007 to date). He also was the Chair of the National Association of Securities and Consumer Attorneys Consumer Committee from 2003 to 2005. He was asked to draft revisions to New York State's class action law (2002-2003; Report, 2003), as well as having been involved in the drafting of numerous recommendations, testimony, reports, and other materials for various professional organizations. His election to the American Law Institute was in 2008. In addition, Mr. Lesser is on the Editorial Advisory Board of the *Class Action Law Monitor*.

Mr. Lesser is the member of the bars of New York, New Jersey and the District of Columbia as well as nine United States District Courts, nine federal Courts of Appeal and the United States Supreme Court.

Christopher M. Timmel

Christopher M. Timmel is an associate and a member of the bar of New York. His practice focuses on securities fraud and wage and hour class action litigation. Prior to joining the firm, Mr. Timmel worked at two nationally recognized law firms in New York, where his practice focused on private Section 10(b) and Rule 10b-5 litigation.

Mr. Timmel is a graduate of Dartmouth College and the University of Virginia School of Law, where he was sat on the Editorial Board of the Virginia Environmental Law Journal. He is also a graduate of Regis High School in New York City.

Sarah Sears

Sarah Sears is an Associate of Klafter Lesser LLP and a member of the bar of New York. Prior to joining the firm, Sarah was a litigation associate at a boutique firm in New York City with a concentration on commercial litigation and intellectual property. She also previously worked as a legal fellow in the Office of the General Counsel at NPR, where she concentrated on content licensing, copyright law, corporate governance and privacy law.

Ms. Sears graduated *cum laude* from Skidmore College with a double major in political science and international affairs and received her J.D. from Georgetown University Law Center.



